

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK HARVEY, :
Petitioner,
v. : CIVIL ACTION
NO. 14-139
:
LOUIS FOLINO, et al.,
Respondents.

O R D E R

AND NOW, this 16th day of September, 2015, upon careful and independent consideration of the petition for a writ of habeas corpus, and after review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice (Dkt No. 7), IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. Petitioner's petition for a writ of habeas corpus is STAYED and held in ABEYANCE pending the resolution of Songster v. Sec. Pa. Dept. of Correct., No. C.A. 12-3941.
3. There is no probable cause to issue a certificate of appealability.

BY THE COURT:

/s/ CDJ
C. Darnell Jones, II J.